

REMARKS

In the Office Action of June 29, 2004, claims 37, 38 and 43 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In the present Amendment, Applicants have amended claims 37, 38 and 43 to ensure that all elements are defined in these claims. As such, Applicants respectfully submit that claims 37, 38 and 43 do not suffer from any § 112 deficiencies.

Also in the Office Action of June 29, 2004, claims 1-13, 16-36, 39, 40, 45 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen, et al. (U.S. Patent No. 5,990,377).

Additionally, claims 14, 15, 20, 41, 42, 44 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen.

Applicants respectfully submit that claim 1 defines over Chen. Respectfully, Chen does not disclose a textured airlaid fibrous web that has a repeating pattern of peaks and valleys in which the peaks are made of the same material as the valleys. Support for this claim amendment may be found on at least page 10, lines 15-20 of Applicants' application and in at least Figs. 3 and 4 of the drawings that show a cross-section of the textured web 20 in which the peaks 12 are made of the same material as the valleys 14. Although the textured web 20 may be made of different materials, for example as discussed on page 11, lines 22-25 of Applicants' application, the materials that make up the peaks 12 are the same materials as those that make up the valley 14. As such, the one or more materials that make up the peaks 12 will be the same as the

one or more materials that make up the valley 14 as set forth in amended claim 1 of Applicants' application.

Chen is directed towards a dual-zoned absorbent web that seeks to both absorb and transport fluids from the skin of the wearer while at the same time allowing for the portion of the web that contacts the skin of the wearer to provide a "dry touch" or "dry feel." (see Chen at column 1, lines 33-36; and column 2, lines 19-27). In order to achieve these desired properties, the web of Chen is provided with a series of uppermost regions 3 and depressed regions 4 as shown in Figs. 1-3 of Chen. In order to provide a "dry feel" to the wearer, the uppermost region 3 incorporates a hydrophobic material 2 (see Chen at column 27, lines 9-13). The hydrophobic material 2 is not located on the depressed regions 4 of the web, that are instead made of a hydrophilic material that allows for liquid to be wicked into an absorbent medium that may be, for instance, an underlying absorbent core in liquid communication with the web (see Chen at column 27, lines 45-53).

The depressed regions 4 are made of a hydrophilic material that may be composites of synthetics and pulp fibers or may be airlaid mixtures of cellulosic and synthetic fibers (see Chen at column 28, lines 48-58). The hydrophobic material 2 may be silicon compounds, fluorocarbons, PTFE, waxes, wax emulsions, polyurethane emulsions, fats and fatty acid derivates, polyolephins, nylon, polyesters, glycerides, and the like (see Chen at column 33, lines 50-54). As such, Chen explicitly discloses and teaches a web in which the upper most regions 3 are made of a different material than the depressed regions 4 in order to obtain the benefits provided by the properties

displayed in the different materials making up the uppermost regions 3 and the depressed regions 4.

Claim 1 of Applicants' application calls for a structure exactly opposite from that disclosed in Chen. Claim 1 calls for a textured airlaid fibrous web that includes a repeating pattern of peaks and valleys in which the peaks are made of the same material as the valleys. Additionally, it would not have been obvious for one having ordinary skill in the art to modify Chen to arrive at the structure set forth in claim 1 of Applicants' application. Chen is specifically directed towards an improved web that provides a clean, dry feel to the skin of the wearer that also allows for rapid depth wide transport of liquid through the web into an underlying absorbent core (see Chen at column 2, lines 19-25). The entire principle of operation in Chen to achieve this goal resides in having an uppermost region 3 of the web made of a hydrophobic material that repels liquid while at the same time having the depressed regions 4 made of a hydrophilic material that both absorbs and transports liquid.

Modification of Chen so that both the upper most regions 3 and the depressed regions 4 were made of the same material would completely frustrate the intended purpose of Chen and would completely change the principle of operation of Chen because the resulting web would no longer be able to display different fluid properties from having different regions made of different materials. A such, Applicants respectfully submit that it would not have been obvious for one having ordinary skill in the art to modify Chen to arrive at the structure set forth in claim 1 of Applicants' application because claim 1 calls for a completely opposite structure and modification of Chen would go explicitly against the direct teachings of the reference and would modify

the principle of operation of the reference such that the resulting structure would not work for its intended purpose.

In the present Amendment, Applicants have amended independent claims 28 and 47 in a manner similar to, although not exact to, the amendment made above with respect to claim 1. As such, Applicants respectfully submit that claims 28 and 47 define over Chen for at least the reasons set forth above with respect to claim 1 and are both in condition for allowance.

As stated, the Office Action of June 29, 2004 also rejected the dependent claims in the present application (claims 2-27 and 29-46) under 35 U.S.C. § 103(a) in view of Chen. These claims dependent either directly or indirectly from independent claims 1 and 28 and recite the present invention in varying scope. Applicants have herein discussed the cited reference in relation to claims 1 and 28. The dependent claims 2-27 and 29-46 are similarly distinguishable not only because of the patentability of the independent claims but also because of the combination of the subject matter of each of the dependent claims with their independent claim which makes each claim further distinguishable, and which is not taught or suggested by the cited reference, singly or in combination.

Applicants respectfully submit that all claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience should she have any questions concerning this matter or require any additional information.

Respectfully submitted,

DORITY & MANNING,
ATTORNEYS AT LAW, P.A.

Date: September 20, 2004

Neal P. Pierotti
Neal P. Pierotti
Registration No. 45,716

Post Office Box 1449
Greenville, South Carolina 29602 USA
Telephone: 864-271-1592
Facsimile: 864-233-7342